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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

In re: County of Monterey Initiative Matter

and

In re: Monterey Referendum

) NO: C 06-01407 JW

) NO: C 06-02202 JW

) Stipulation and [Proposed] Order Regarding  
) Briefing Schedule on Summary Judgment Motions

) Date: February 27, 2007

) Time: 9:00 a.m.

) Place: Courtroom 8

) Judge: Honorable James Ware

1 WHEREAS, the four cases subject to this stipulation have been consolidated for purposes of a  
2 hearing on summary judgment motions scheduled by the Court for February 27, 2007;

3 WHEREAS, the four cases consist of two *Initiative* cases (*Madrigal* and *Melendez*) and two  
4 *Referendum* cases (*Rangel* and *Rancho San Juan*);

5 WHEREAS, the Court has ordered that the parties confer for purposes of setting a briefing  
6 schedule;

7 WHEREAS, to limit the multiplicity of briefs, the parties have agreed to combine and present  
8 joint briefs by three sides if they may have 35 pages in the Opening Brief, and to limit the number of  
9 briefs on each of the three sides to two;

10 WHEREAS, subsequent to the Court's order setting the hearing for February 27, the Board of  
11 Supervisors of the County of Monterey adopted a resolution to place the subject Initiative measure on  
12 the June 5, 2007, ballot;

13 WHEREAS, the plaintiffs in one of the *Initiative* cases, the *Madrigal* case, will be submitting a  
14 stipulation and proposed order to the Court dismissing that case;

15 WHEREAS, the parties to the other *Initiative* case, the *Melendez* case, disagree as to the effect of  
16 the County's action in placing the Initiative on the ballot for the proper disposition of the *Melendez* case;

17 WHEREAS, the parties to the two *Referendum* cases continue to dispute matters on the merits;

18 WHEREAS, as a result of the foregoing there are now three sides to the cases as follows:

- 19 1. Plaintiffs in the original *Rangel* case;
- 20 2. Plaintiffs in the original *Melendez* and *Rancho San Juan* cases;
- 21 3. Monterey County Defendants in all cases;

22 WHEREAS, further the parties have agreed that simultaneous opening and responsive briefs  
23 would be sufficient without the need for replies.

24 WHEREAS, the parties are cognizant of the short time left after the foregoing events, but wish to  
25 move forward on a shortened briefing schedule that would nevertheless give the Court the full two  
26 weeks contemplated in the rules after briefing;

27 NOW THEREFORE the parties stipulate and respectfully request that the Court order:

The Opening Brief for each set of parties setting forth their position in the *Initiative* cases and moving for cross-summary judgment motions in the *Referendum* cases will be due on February 7, 2007.

Simultaneous Opposition/Closing Briefs will be due on February 13, 2007.

The Opening Brief may be 35 pages rather than 25, but the Opposition/Closing Briefs will comply with the page limits in the rules for Opposition briefs.

Dated: February 5, 2007

NOSSAMAN, GUTHNER, KNOX & ELLIOTT, LLP

/ S /

By: \_\_\_\_\_  
STEPHEN N. ROBERTS

Attorneys for Defendants  
COUNTY OF MONTEREY, THE BOARD OF  
SUPERVISORS OF THE COUNTY OF MONTEREY, AND  
ANTHONY ANCHUNDO

Dated: February 2, 2007

JOAQUIN G. AVILA

/ S /

By: \_\_\_\_\_  
JOAQUIN G. AVILA

Attorneys for Plaintiffs  
SABAS RANGEL AND MARIA BUELL

Dated: February 2, 2007

STRUMWASSER & WOOCHEER

/ S /

By: \_\_\_\_\_  
FREDRIC D. WOOCHEER

Attorneys for Plaintiffs  
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CITIZENS FOR RESPONSIBLE GROWTH, JULIE  
ENGELL, WILLIAM MELENDEZ, KEN GRAY, JYL  
LUTES, CAROLYN ANDERSON, AND LANDWATCH  
MONTEREY COUNTY

**ATTESTATION** I, Stephen N. Roberts, am the ECF User whose identification and password are being

1 used to file this document. In compliance with General Order 45.X.B, I hereby attest that Joaquin G.  
2 Avila and Fredric Woocher have concurred in this filing.

3 /S/  
4 Stephen N. Roberts

**ORDER**

GOOD CAUSE APPEARING THEREFOR, IT IS HEREBY ORDERED that:

1. The Opening Brief is due on February 7, 2007;
2. Opposition and Closing Briefs will be due on February 13, 2007; and
3. The Opening Brief may be 35 pages rather than 25.

Dated: 2/6/2007

  
HON. JAMES WARE  
U.S. District Court Judge